

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

**FEDERAL TRADE COMMISSION,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF
IOWA, STATE OF MINNESOTA,
STATE OF NEBRASKA, STATE OF
OREGON, STATE OF TENNESSEE,
STATE OF TEXAS, STATE OF
WASHINGTON, and STATE OF
WISCONSIN,**

**Plaintiffs,
v.**

**Syngenta CROP PROTECTION AG,
SYNGENTA CORPORATION,
Syngenta Crop Protection, LLC, and
Corteva, Inc.,**

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**IN RE CROP PROTECTION
PRODUCTS LOYALTY PROGRAM
ANTITRUST LITIGATION**

Case No: 1:23-md-3062-TDS-JEP

JOINT STATUS REPORT REGARDING DISCOVERY DISPUTES

Pursuant to the Court's March 17, 2025 minute order and January 23, 2025 motion hearing, Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC (collectively, "Syngenta"), Corteva, Inc. ("Corteva," and, together with

Syngenta, “Defendants”), the Plaintiffs in 1:22-cv-00828-TDS-JEP (“Government Plaintiffs”), the Plaintiffs in 1:23-md-3062-TDS-JEP (“MDL Plaintiffs”) (together with Government Plaintiffs and Defendants, the “Parties”), and Atticus LLC (“Atticus”) hereby submit this Joint Status Report regarding the status of disputes concerning document discovery.

The Parties and Atticus do not believe that there are any discovery disputes presently ripe to raise with the Court and believe that the April 4, 2025 status conference should be cancelled.

DISPUTES AS TO ATTICUS

A. Joint Statement of the Parties and Atticus

The Parties and Atticus do not believe there are any discovery disputes presently ripe to raise with the Court as to Atticus. Syngenta and Government Plaintiffs filed motions to compel discovery from Atticus (Dkt. 166, 280 (1:22-cv-00828-TDS-JEP); Dkt. 265 (1:23-md-3062-TDS-JEP)). This Court addressed the motions to compel on January 23, 2025. The Parties have reached separate agreements with Atticus on the scope of Atticus’s document discovery.¹ On March 7, 2025, and March 11, 2025, Government Plaintiffs and Syngenta respectively withdrew their motions to compel based upon those agreements (Dkt. 310, 311 (1:22-cv-00828-TDS-JEP); Dkt. 223 (1:23-md-3062-TDS-JEP)). Based on

¹ Although Corteva did not file a motion to compel against Atticus, it participated in the Court-ordered meet and confers regarding the scope of Defendants’ subpoenas and together with Syngenta, negotiated the parameters for Atticus’s response. Therefore, while Corteva did not previously engage in motions practice, it reserves the right to seek relief should Atticus’ production not comply with the agreed-upon parameters.

representations from Atticus's counsel, the Parties believe that Atticus has now satisfactorily complied with the respective agreements reached. On March 28, 2025, Atticus made a document production that Atticus represented reflects substantially complete production of the agreed-upon document production scope. To the extent that Atticus's March 28, 2025 document production does not satisfy Atticus's obligations under its respective agreements with the Parties or is otherwise deficient (e.g., contains technical defects) based upon the Parties' further review, the Parties reserve the right to request that Atticus promptly supplement its document production accordingly and/or to seek further relief from this Court. Counsel for Atticus has indicated that Atticus will continue to work in good faith with the Parties to address any further issues that may arise regarding its production.

B. Atticus Reservation of Rights

As explained in its letters accompanying the document production on March 28, 2025, Atticus reserves its rights under each applicable Protective Order to (1) clawback any inadvertently produced privileged material, and (2) receive advance notice of the Parties' intent to use Atticus's documents or information in any hearing or pre-trial proceeding. *See Dkt. No. 202, §§ 8(d), 17 (1:22-cv-00828-TDS-JEP); Dkt. No. 165, §§ 8(d), 14 (1:23-md-3062-TDS-JEP).* Atticus also reserves the right to provide replacement documents that redact plainly non-responsive information in Atticus's production. Atticus has also requested that the Parties provide Atticus with same-day notice when any Atticus documents or information are filed with the Court and that the Government Plaintiffs do

not disclose Atticus's documents and information to any "law clerks" or "interns" as presently contemplated by the definition of "Enforcement Personnel." *See* Dkt. No. 202, § 1(g) (1:22-cv-00828-TDS-JEP). Atticus reserves its right to seek a modification of the Protective Order, if necessary.

Additionally, Atticus reserves its right to seek reimbursement from the Parties for its significant costs and expenses incurred in responding to the multiple subpoenas, pursuant to Federal Rule of Civil Procedure 45(d)(2)(B)(ii). *See, e.g.*, Dkt. No. 270, at 16-17 (1:22-cv-00828-TDS-JEP); Dkt. No. 292, at 20-21 (1:22-cv-00828-TDS-JEP); Dkt. No. 296, 113:14–21 (1:22-cv-00828-TDS-JEP); Dkt. No. 171, at 16-17 (1:23-md-3062-TDS-JEP); Dkt. No. 214, 113:14–21 (1:23-md-3062-TDS-JEP).

DISPUTES AS TO PARTY DISCOVERY

The Parties do not believe there are any party discovery disputes presently ripe to raise with the Court.

Government and MDL Plaintiffs are in the process of analyzing and reviewing Defendants' document productions and responses to Plaintiffs' written discovery requests, and intend to meet and confer with Defendants concerning any deficiencies with respect thereto in the near future. As such, there are no discovery disputes presently ripe to raise with the Court.

Defendants do not believe there are any party discovery disputes presently ripe to raise with the Court.

This, the 31st day of March, 2025

Respectfully submitted,

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83.1(e)

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